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Attorneys for Interested Parties Alex Fontenot,  
Mya Hollingshed, Sarah Fuller, Deontay Anderson, and Tucker Clark  
(and the *Fontenot* putative class)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL  
LITIGATION

CASE NO. 4:20-cv-3919-CW

**OPPOSITION TO PLAINTIFFS'  
UNOPPOSED ADMINISTRATIVE  
MOTION TO SHORTEN TIME  
PURSUANT TO CIVIL LOCAL RULE  
6-3 FOR THE HEARING ON  
PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Hon. Claudia Wilken

1 Pursuant to Civil Local Rule 6-3(b), Alex Fontenot, Mya Hollingshed, Sarah Fuller, Deontay  
2 Anderson, and Tucker Clark (the “Interested Parties”), as interested parties and members of the  
3 proposed settlement class in this action, oppose the Plaintiffs’ Administrative Motion to Shorten  
4 Time for the Hearing of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action  
5 Settlement. ECF No. 451. The preliminary approval hearing for this important proposed settlement  
6 should take place on the normal timeline in accordance with the Court’s Local Rules.

7 As an initial matter, it is crucial that the Interested Parties be able to participate in the hearing  
8 on Plaintiffs’ motion for preliminary approval of the proposed class action settlement in this case.  
9 The Interested Parties are current and former athletes. They are named plaintiffs in related class-  
10 action litigation, and members of the settlement class in this action. *See Fontenot v. National*  
11 *Collegiate Athletic Association*, No. 1:23-cv-03076-CNS-STV (D. Colo. Nov. 20, 2023); ECF No.  
12 450, Plaintiffs’ Motion for Preliminary Settlement Approval at 28 (“[A]ll members of the putative  
13 *Fontenot* class are class members here.”). It is undisputed that the Interested Parties have brought  
14 antitrust claims against Defendants that would be ***directly affected*** by the proposed settlement in  
15 this action. *See* ECF No. 450, Plaintiffs’ Motion for Preliminary Settlement Approval at 28 (“If this  
16 settlement is approved, it would release the *Fontenot* damages claims for those individuals who do  
17 not opt out through the end date of the damages release here . . . as well as *Fontenot*’s injunctive  
18 relief claims . . . .); *id.* (“Further, the preliminary approval order . . . would stay *Fontenot* due to the  
19 overlap in claims until Final Approval, which if granted, would release those claims.”).  
20 Nevertheless, the Interested Parties were ***not*** consulted prior to the filing of this Administrative  
21 Motion. Broshuis Decl. ¶3.

22 Advancing the hearing on Plaintiffs’ motion for preliminary approval does not leave  
23 adequate time for the Interested Parties—or any other stakeholders—to scrutinize the proposed  
24 settlement. Counsel for the Interested Parties are still analyzing Plaintiffs’ filings from this past  
25 Friday, July 26, which contain the proposed settlement and supporting materials, and which total  
26 over 300 pages. *Id.* ¶4. Given the wide-ranging ramifications of the proposed settlement, adequate

1 time is needed to determine whether a response is called for, and if so, to prepare that response. *Id.*  
2 ¶5.

3 Other stakeholders deserve adequate time as well. Counsel for the Interested Parties has  
4 heard from other groups representing athletes within the settlement class who are likewise still  
5 evaluating Plaintiffs’ filings in this matter, and who may file separate responses to the motion for  
6 preliminary approval. *Id.* ¶6.

7 This process should not be rushed. Indeed, the Interested Parties’ ability to meaningfully  
8 participate in the hearing on Plaintiffs’ motion for preliminary approval of the settlement is essential  
9 to “ensur[ing] that unnamed class members are protected from unjust or unfair settlements affecting  
10 their rights.” *Campbell v. Facebook, Inc.*, 951 F.3d 1106, 1121 (9th Cir. 2020) (cleaned up). In any  
11 event, counsel for the Interested Parties was not consulted on the alternative dates proposed by  
12 Plaintiffs, and appearing on such short notice would require an attempt to move other  
13 commitments—some of which are not moveable. Broshuis Decl. ¶¶3, 7. Finally, the various  
14 stakeholders currently reviewing the preliminary approval motion, which states that the hearing will  
15 take place on September 5, are expecting a hearing date of September 5 and may not receive notice  
16 of an expedited hearing date. Under these circumstances, the hearing on Plaintiffs’ motion for  
17 preliminary approval should proceed on September 5 as currently scheduled.

18 For the above-stated reasons, the Interested Parties respectfully request that the Court deny  
19 Plaintiffs’ Unopposed Administration Motion to Shorten Time Pursuant to Civil Local Rule 6-3 for  
20 the Hearing on Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement,  
21 and allow the preliminary approval motion to be heard on the normal track under this Court’s Local  
22 Rules.

1 DATED: July 31, 2024

Respectfully submitted,

2 By: /s/ Garrett R. Broshuis

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20 *Tucker Clark (and the Fontenot putative class)*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered for electronic filing.

/s/ Garrett R. Broshuis  
Garrett R. Broshuis